



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/141,210	08/27/1998	PHILLIP E. MATTISON	042390.P4817	9610

7590 12/23/2004
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
124 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 900251026

EXAMINER

KASSA, YOSEF

ART UNIT PAPER NUMBER

2625

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/141,210

Applicant(s)

MATTISON, PHILLIP E.

Examiner

YOSEF KASSA

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 04, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,6,20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1,4,7 and 10-19 is/are rejected.
- 7) ☒ Claim(s) 2,3,8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Response to Arguments

1. Applicant's arguments, (page 1-4) filed on March 04, 2003, with respect to claims 1-5 and 7-20 under Mirita (U.S. Patent 5,928,335) and Grantham et al (U.S. Patent 6,215,495) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Endsley et al (U.S. Patent 6,005,613).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7 and 10-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (U.S. Patent 5,928,335), and further in view of Endsley et al (U.S. Patent 6,005,613).

With regard to claim 1, Morita discloses a machine-readable medium having instructions that when executed by a processor (an image processing systems/devices such as scanner and printer unit see col. 8, lines 10-12), cause the step of associating first image data, i.e., optically read out image data see col. 8, lines 11-12, and the first method, i.e., image processing application 54, as part of an image object, i.e., image processing object 55, for being executed by an abstract machine, i.e., execution by CPU 2, (see col. 6, lines 17-19).

Morita does not explicitly call for obtain first translated, i.e., indicating how to process the image data, image data based upon the first image. At the same field endeavor, Endsley et al teaches this feature (see col. 2, lines 37-45). At the time of the invention was made, it would have been obvious to incorporate the teaching of Endsley et al image process by including both the digital image data and a configuration code into Morita system. The motivation doing so is to provide an image processing system by using data packets combining image and mode data which indicate to the host how to process the image data outputted form the digital camera.

Claim 4 is similarly analyzed as claim 1.

Claim 7 is similarly analyzed as claim 1. As to the additional limitation of transferring an image object (which corresponds to the request transmitting device 24 in Fig. 1).

Claim 10 is similarly analyzed as claim 1. As to the additional limitation of image sensor for generating sensor data, and memory for storing an image object. These features taught by Morita see Fig. 8, item 102, which comprises object storage device and scanner.

With regard to claim 11, Morita discloses the first image data is the sensor data (optically read out image data see col. 8, lines 10-12).

With regard to claim 12, Morita discloses a processor (see Fig. 8, middleware processing device); and second memory (see Fig. 8, item 103, object storage device) having instructions that when executed by the processor cause processing the sensor

Art Unit: 2625

data onto the first image data (see Fig. 8, item 102, the process of item 55, which scan image data).

Claim 13 is similarly analyzed as claim 12.

With regard to claim 14, Morita discloses logic circuitry, i.e., computer systems, for processing the sensor data into the first image data (see col. 8, lines 10-15).

With regard to claim 16, Morita discloses interface to a communication medium for transferring the first image data and the first method to a processing system separate from the imaging device (Fig. 1, item 24), the processing system being configured with abstract machine (Fig. 1, client and server process).

With regard to claim 17, Morita discloses the image object comprises a TIFF file, the TIFF file (the TIFF file format is standard file format commonly used for scanning, storage, and interchange of gray-scale graphic images) comprising the first image data and the first image method (see Fig. 8, item 102, which image and object).

With regard to claim 18, the Examiner takes Official Notice because the image object for including common file format, such as DIB is extremely well known as evidenced by Applicants own disclosure (see specification, page 2, line 5). Therefore, it would have been obvious to one having ordinary skill in the art to incorporate an extremely well known file format into the system of Morita for storing bit-mapped images on PC's and Macintosh computers.

Claim 19 is similarly analyzed as claim 4.

Art Unit: 2625

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morita (U.S. Patent 5,928,335) as applied to claim 1, 4, 7, 10-14 and 16-19 above, and further in view of Grantham et al (U.S. Paten 6,215,495).

With regard to claim 15, while Morita discloses the logic circuitry (which reads on computer system comprises a logic circuitry), Morita does not explicitly call for a color interpolation process. However, this feature is taught by Grantham et al (See Fig. 9, item 902). Morita and Grantham, et al are combinable because they are from a similar field of endeavor, that is, image process in object orient environments. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Grantham, et al with Morita to provide an interpolator, and to do so would at least enhances the image data.

Allowable Subject Matter

4. Claims 5, 6, 20 and 21 are allowed.

The following is an examiner's statement of reasons for allowance. The closest prior art of record failed to teach or suggest, configuring a data processing system to receive first and second objects from first and second imaging devices, respectively the objects having first and second image data and corresponding method and an abstract machine executing the corresponding methods of each object to obtain first and second translated image data based upon the first and second image data respectively.

Therefore, in combination with all the other limitations claims 5, 6, 20 and 21 are allowable.

5. Claims 2, 3, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Other Prior Art Cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (5,708,853) to Sanemitsu disclose IC card having camera, microphone and modem for...

US Patent No. (5,762,552) to Vuong et al disclose interactive real-time network gaming system.

US Patent No. (6,166,729) to Acosta et al discloses remote digital image viewing system and method.

IEEE publication by Terry Montlick, "What is object-Oriented software" copyright 1995-1999 by software design consultants, LLC.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

Art Unit: 2625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communication and (703) 872-9306 for after Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PATENT EXAMINER

Yosef Kassa

A handwritten signature in black ink, appearing to read 'Yosef Kassa', written over a horizontal line.

12/14/04.